

**IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI  
AT SPRINGFIELD**

<b>MATT UBER,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Case No. 1731-CC01555</b>
<b>v.</b>	)	
	)	
	)	
<b>AMERICAN FAMILY MUTUAL INS CO SI, ET AL,</b>	)	
	)	
	)	
<b>Defendants.</b>	)	

**ANSWER TO PETITION**

COMES NOW Defendant American Family Mutual Insurance Company, S.I., ("American Family") and for it's Answer to Plaintiff's Petition, states and alleges:

1. Defendant admits the allegations of paragraphs 1, 7, 8, 9, 10, 11 of Plaintiff's Petition.
2. Defendant lacks sufficient information to admit or deny the allegations of paragraphs 2, 3, 4 ( and its subparts), 5, 6 of Plaintiff's Petition.
3. Defendant denies the allegations of paragraphs 12, 13, 14 of Count I and paragraphs 1 and 2 (and its subparts) of Count II of Plaintiff's Petition.
4. The allegations contained in Count III and IV of Plaintiff's Petition are not directed to Defendant American Family so no answer is required. However, to the extent any of the allegations of Counts III and IV are directed to Defendant American Family, they are denied.

**AFFIRMATIVE DEFENSES**

1. The admissions, denials and averments set forth above in response to allegations set forth in Counts I, II III and IV of Plaintiff's Petition are incorporated herein by reference.



2. Plaintiff has failed to allege sufficient facts to plead a cause of action upon which relief can be granted.

3. Pursuant to the provisions of the aforementioned auto policy, Defendant will pay compensatory damages for bodily injury which an insured person is legally entitled to recover from the owner or operator of an underinsured motor vehicle. The amount of compensatory damages Defendant will pay will never exceed the underinsured motorist coverage limits of liability shown on the Declarations minus any payment or reduction set for in the LIMITS OF LIABILITY section.

4. Pursuant to the provisions of the aforementioned auto policy, Plaintiff's Underinsured Motorist coverage shall be reduced by any liability settlement proceeds already received by Plaintiff due to damages resulting from the accident referenced in Plaintiff's Petition. After applying this reduction, there are no limits remaining.

5. Pursuant to the provisions of the aforementioned auto policy, the limits of liability may not be added, combined or stacked with the limits for any other policy to determine the maximum limits available for each person or for each occurrence, and, therefore, no stacking, combination, or aggregation of underinsured motorist coverages are allowed.

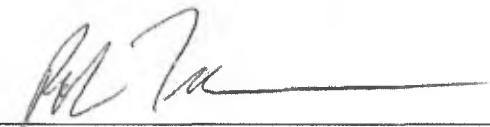
6. Defendant is entitled to a credit for any amount of liability settlement proceeds already received by Plaintiff due to damages resulting from the accident referenced in Plaintiff's Petition.

7. Pursuant to the provisions of both aforementioned auto policy, Plaintiff does not have any applicable Underinsured Motorist coverage for the accident referenced in Plaintiff's Petition. An "Underinsured motor vehicle" is defined in the aforementioned policies as "a motor vehicle which is insured by a liability bond or policy at the time of the accident which provides

bodily injury liability limits less than the limits of [the aforementioned] underinsured motorist coverage."

8. Defendant reserves the right to assert any additional affirmative defenses as may be revealed during the course of discovery.

WHEREFORE, Defendant prays Plaintiff's Petition be denied, for costs and for whatever other relief the Court may deem fit and proper. Further, Defendant hereby requests a jury trial.



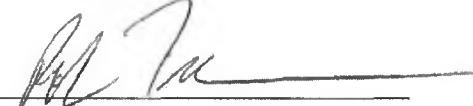
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ROB TROWBRIDGE MO #44637  
600 SW Jefferson St. Suite 301  
Lee's Summit, MO 64063  
(816) 356-2100, ext. 59255 Telephone  
(877) 292-1075 Facsimile  
wtrowbri@amfam.com

ATTORNEY FOR DEFENDANT  
AMERICAN FAMILY

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing has been executed by the undersigned and a copy of same has been electronically served via Missouri Courts eFiling to James E. Corbett, email: [jcorbett@corbettlawfirm.com](mailto:jcorbett@corbettlawfirm.com), Attorney for Plaintiff, this 12<sup>th</sup> day of February, 2018.



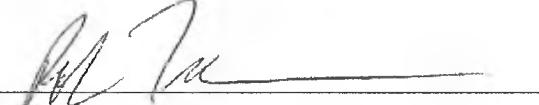
ROB TROWBRIDGE

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI  
AT SPRINGFIELD

MATT UBER, )  
 )  
 Plaintiff, ) ) Case No. 1731-CC01555  
 v. )  
 )  
 AMERICAN FAMILY MUTUAL INS CO SI, )  
 ET AL, )  
 )  
 Defendant). )

ENTRY OF APPEARANCE  
AND DESIGNATION OF LEAD COUNSEL

COMES NOW Rob Trowbridge, authorized to practice law before this Court and pursuant to Missouri Rules of Civil Procedure 55.03 of this Court, herewith makes his entry of appearance and designation of lead counsel for American Family Mutual Insurance Company, S.I.



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Lee's Summit, MO 64063  
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(877) 292-1075 Facsimile  
wtrowbri@amfam.com  
ATTORNEY FOR DEFENDANT  
AMERICAN FAMILY



IN THE 31ST JUDICIAL CIRCUIT COURT, GREENE COUNTY, MISSOURI

Judge or Division: MARK A POWELL	Case Number: 1731-CC01555
Plaintiff/Petitioner: MATT UBER  vs.	Plaintiff's/Petitioner's Attorney/Address JAMES EDWARD CORBETT JR 2015 E PHELPS ST SPRINGFIELD, MO 65802-2284
Defendant/Respondent: AMERICAN FAMILY MUTUAL INSURANCE COMPANY	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

**Alias Summons in Civil Case**

The State of Missouri to: AMERICAN FAMILY MUTUAL INSURANCE COMPANY

Alias:

CSC LAWYERS INCORP SERVICE CO  
221 BOLIVAR STREET  
JEFFERSON CITY, MO 65101



GREENE COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

12/28/17

Date

/S/Ashley Stroud

Clerk

Further Information:

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.  
 (for service on a corporation) delivering a copy of the summons and a copy of the petition to

\_\_\_\_\_ (name) \_\_\_\_\_ (title).

other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

**Sheriff's Fees**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 31ST JUDICIAL CIRCUIT COURT, GREENE COUNTY, MISSOURI

Judge or Division: MARK A POWELL	Case Number: 1731-CC01555
Plaintiff/Petitioner: MATT UBER  vs.	Plaintiff's/Petitioner's Attorney/Address: JAMES EDWARD CORBETT JR 2015 E PHELPS ST SPRINGFIELD, MO 65802-2284
Defendant/Respondent: AMERICAN FAMILY MUTUAL INSURANCE COMPANY	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

**Alias Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

The State of Missouri to: THE CINCINNATI INSURANCE COMPANY  
Alias:

R/A MARK WALSH  
PO BOX 145496  
CINCINNATI, OH 45250



You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

12/28/17

Date

/S/Ashley Stroud

Clerk

Further Information:

**Officer's or Server's Affidavit of Service**

I certify that:

1. I am authorized to serve process in civil actions within the state or territory where the above summons was served.
2. My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
3. I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years.

(for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).  
 other (describe) \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

I am: (check one)  the clerk of the court of which affiant is an officer.

the judge of the court of which affiant is an officer.

authorized to administer oaths in the state in which the affiant served the above summons.

(use for out-of-state officer)

authorized to administer oaths. (use for court-appointed server)

Signature and Title

**Service Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

See the following page for directions to clerk and to officer making return on service of summons.

### **Directions to Clerk**

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

### **Directions to Officer Making Return on Service of Summons**

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.



IN THE 31ST JUDICIAL CIRCUIT COURT, GREENE COUNTY, MISSOURI

Judge or Division: JASON R BROWN	Case Number: 1731-CC01555
Plaintiff/Petitioner: MATT UBER	Plaintiff's/Petitioner's Attorney/Address: JAMES EDWARD CORBETT JR 2015 E PHELPS ST SPRINGFIELD, MO 65802-2284
Defendant/Respondent: AMERICAN FAMILY MUTUAL INSURANCE COMPANY	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

<p>The State of Missouri to: THE CINCINNATI INSURANCE COMPANY Alias: 6200 SOUTH GILMORE RD FAIRFIELD, OH 45014-5141</p> <p><b>COURT SEAL OF</b>  <b>GREENE COUNTY</b></p>															
<p>You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.</p>															
<p>11/27/17 _____ Date _____ /s/Kerri Jerome _____ Clerk</p>															
<p>Further Information:</p> <p><b>Officer's or Server's Affidavit of Service</b></p> <p>I certify that:</p> <ol style="list-style-type: none"> <li>I am authorized to serve process in civil actions within the state or territory where the above summons was served.</li> <li>My official title is _____ of _____ County, _____ (state).</li> <li>I have served the above summons by: (check one)           <ul style="list-style-type: none"> <li><input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.</li> <li><input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____, a person of the Defendant's/Respondent's family over the age of 15 years.</li> <li><input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).</li> <li><input checked="" type="checkbox"/> other (describe) <u>Non Est - past due</u> _____ (address)</li> </ul> </li> </ol> <p>Served at _____ in _____ County, _____ (state), on _____ (date) at _____ (time).</p> <table border="0"> <tr> <td style="width: 50%;">Printed Name of Sheriff or Server</td> <td style="width: 50%;">Signature of Sheriff or Server</td> </tr> <tr> <td colspan="2"> <p>Subscribed and Sworn To me before this _____ (day) _____ (month) _____ (year)</p> <p>I am: (check one) <input type="checkbox"/> the clerk of the court of which affiant is an officer.  <input type="checkbox"/> the judge of the court of which affiant is an officer.  <input type="checkbox"/> authorized to administer oaths in the state in which the affiant served the above summons.            (use for out-of-state officer)  <input type="checkbox"/> authorized to administer oaths. (use for court-appointed server)</p> </td> </tr> <tr> <td colspan="2" style="text-align: right;">_____ Signature and Title</td> </tr> </table> <p><b>Service Fees, if applicable</b></p> <table border="0"> <tr> <td>Summons</td> <td>\$ _____</td> </tr> <tr> <td>Non Est</td> <td>\$ _____</td> </tr> <tr> <td>Mileage</td> <td>\$ _____ ( _____ miles @ \$ _____ per mile)</td> </tr> <tr> <td>Total</td> <td>\$ _____</td> </tr> </table> <p>See the following page for directions to clerk and to officer making return on service of summons.</p>		Printed Name of Sheriff or Server	Signature of Sheriff or Server	<p>Subscribed and Sworn To me before this _____ (day) _____ (month) _____ (year)</p> <p>I am: (check one) <input type="checkbox"/> the clerk of the court of which affiant is an officer.  <input type="checkbox"/> the judge of the court of which affiant is an officer.  <input type="checkbox"/> authorized to administer oaths in the state in which the affiant served the above summons.            (use for out-of-state officer)  <input type="checkbox"/> authorized to administer oaths. (use for court-appointed server)</p>		_____ Signature and Title		Summons	\$ _____	Non Est	\$ _____	Mileage	\$ _____ ( _____ miles @ \$ _____ per mile)	Total	\$ _____
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### Directions to Clerk

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

### Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

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Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

<p>The State of Missouri to: AMERICAN FAMILY MUTUAL INSURANCE COMPANY Alias: 6000 AMERICAN PARKWAY MADISON, WI 53783</p> <p><b>COURT SEAL OF</b>  <b>GREENE COUNTY</b></p>					
<p>You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.</p>					
<p>11/27/17 _____ /s/Kerri Jerome _____ Date Clerk.</p>					
<p>Further Information:</p> <p><b>Officer's or Server's Affidavit of Service</b></p> <p>I certify that:</p> <ol style="list-style-type: none"> <li>I am authorized to serve process in civil actions within the state or territory where the above summons was served.</li> <li>My official title is _____ of _____ County, _____ (state).</li> <li>I have served the above summons by: (check one)           <ul style="list-style-type: none"> <li><input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.</li> <li><input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____, a person of the Defendant's/Respondent's family over the age of 15 years.</li> <li><input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).</li> <li><input checked="" type="checkbox"/> other (describe) <u>NON EST - Post due</u> _____ (title).</li> </ul> </li> </ol> <p>Served at _____ (address) in _____ County, _____ (state), on _____ (date) at _____ (time).</p> <table border="0"> <tr> <td>Printed Name of Sheriff or Server</td> <td>Signature of Sheriff or Server</td> </tr> <tr> <td colspan="2"> <p>Subscribed and Sworn To me before this _____ (day) _____ (month) _____ (year)</p> <p>I am: (check one)           <ul style="list-style-type: none"> <li><input type="checkbox"/> the clerk of the court of which affiant is an officer.</li> <li><input type="checkbox"/> the judge of the court of which affiant is an officer.</li> <li><input type="checkbox"/> authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)</li> <li><input type="checkbox"/> authorized to administer oaths. (use for court-appointed server)</li> </ul> </p> </td> </tr> </table> <p>_____ (Seal)</p> <p>Signature and Title _____</p> <p><b>Service Fees, if applicable</b></p> <p>Summons \$ _____ Non Est \$ _____ Mileage \$ _____ ( _____ miles @ \$ _____ per mile) Total \$ _____</p>		Printed Name of Sheriff or Server	Signature of Sheriff or Server	<p>Subscribed and Sworn To me before this _____ (day) _____ (month) _____ (year)</p> <p>I am: (check one)           <ul style="list-style-type: none"> <li><input type="checkbox"/> the clerk of the court of which affiant is an officer.</li> <li><input type="checkbox"/> the judge of the court of which affiant is an officer.</li> <li><input type="checkbox"/> authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)</li> <li><input type="checkbox"/> authorized to administer oaths. (use for court-appointed server)</li> </ul> </p>	
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Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.

# CORBETT LAW FIRM, P.C.

---

## ATTORNEYS AT LAW

JAMES E. CORBETT  
BRANDON C. POTTER  
MATTHEW W. CORBETT  
DANIEL P. MOLLOY  
JUSTIN T. GREGG

2015 EAST PHELPS STREET  
SPRINGFIELD, MISSOURI 65802  
TELEPHONE (417) 866-6665  
FAX (417) 866-6699

December 27, 2017

**VIA FAX: (417) 868-4186**

Thomas R. Barr, Circuit Clerk  
1010 Boonville Avenue  
Springfield, MO 65802

**RE: *Matt Uber v. American Family Mutual Insurance Company***  
***Greene County Case # 1731-CC01555***  
***Date of Loss: 11/26/2014***

Dear Sir or Madam:

We have located a more current manner in which to have the defendant served in this case. Please issue an alias summons for service on defendant *American Family Mutual Insurance Company* as follows:

***CSC-Lawyers Incorporating Service Company***  
***221 Bolivar Street***  
***Jefferson City, MO 65101***

I have enclosed a copy of our Petition and our firm's check in the amount of for the applicable service fee. Please forward these documents to the County Sheriff Office.

Thank you for your time and attention to this matter.

With best regards,

**CORBETT LAW FIRM, P.C.**

Stephanie Corbett  
[scorbett@corbettlawfirm.com](mailto:scorbett@corbettlawfirm.com)

sc

# CORBETT LAW FIRM, P.C.

ATTORNEYS AT LAW

JAMES E. CORBETT  
BRANDON C. POTTER  
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SPRINGFIELD, MISSOURI 65802  
TELEPHONE (417) 866-6665  
FAX (417) 866-6699

December 27, 2017

**VIA FAX: (417) 868-4186**

Thomas R. Barr, Circuit Clerk  
1010 Boonville Avenue  
Springfield, MO 65802

**RE: *Matt Uber v. The Cincinnati Insurance Companies***  
***Greene County Case # 1731-CC01555***  
***Date of Loss: 11/26/2014***

Dear Sir or Madam:

We have located a more current manner in which to have the defendant served in this case. Please issue an alias summons for service on defendant ***The Cincinnati Insurance Companies*** as follows:

***Registered Agent: Mark Walsh***  
***P.O. Box 145496***  
***Cincinnati, OH 45250***

Thank you for your time and attention to this matter.

With best regards,

**CORBETT LAW FIRM, P.C.**

*Stephanie Corbett*  
Stephanie Corbett  
scorbett@corbettlawfirm.com

sc

**IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI**

MATTHEW UBER, )  
Plaintiff, )  
V. )  
AMERICAN FAMILY MUTUAL )  
INSURANCE COMPANY AND )  
CINCINNATI INSURANCE )  
COMPANY, )  
Defendants. )  
Case No.: 1731-CC01555

**MOTION FOR CHANGE OF JUDGE**

COMES NOW Plaintiff, by and through counsel, and pursuant to Missouri Supreme Court Rule 51.05, hereby move for a change of judge in the above-captioned matter.

**CORBETT LAW FIRM, P.C.**

JAMES E. CORBETT #36279  
2015 East Phelps Street  
Springfield, MO 65802  
Ph. (417) 866-6665 Fax (417) 866-6699  
jcorbett@corbettlawfirm.com  
Attorneys for Plaintiff



IN THE 31ST JUDICIAL CIRCUIT COURT, GREENE COUNTY, MISSOURI

Judge or Division: JASON R BROWN	Case Number: 1731-CC01555
Plaintiff/Petitioner: MATT UBER	Plaintiff's/Petitioner's Attorney/Address: JAMES EDWARD CORBETT JR 2015 E PHELPS ST SPRINGFIELD, MO 65802-2284
vs. Defendant/Respondent: AMERICAN FAMILY MUTUAL INSURANCE COMPANY	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

The State of Missouri to: THE CINCINNATI INSURANCE COMPANY  
Alias:

6200 SOUTH GILMORE RD  
FAIRFIELD, OH 45014-5141



You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

11/27/17

Date

/s/Kerri Jerome

Clerk

Further Information:

**Officer's or Server's Affidavit of Service**

I certify that:

1. I am authorized to serve process in civil actions within the state or territory where the above summons was served.
2. My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
3. I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years.

(for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).  
 other (describe) \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

I am: (check one)  the clerk of the court of which affiant is an officer.

the judge of the court of which affiant is an officer.

authorized to administer oaths in the state in which the affiant served the above summons.

(use for out-of-state officer)

authorized to administer oaths. (use for court-appointed server)

Signature and Title

**Service Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

See the following page for directions to clerk and to officer making return on service of summons.

### **Directions to Clerk**

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

### **Directions to Officer Making Return on Service of Summons**

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.



IN THE 31ST JUDICIAL CIRCUIT COURT, GREENE COUNTY, MISSOURI

Judge or Division: JASON R BROWN	Case Number: 1731-CC01555
Plaintiff/Petitioner: MATT UBER	Plaintiff's/Petitioner's Attorney/Address: JAMES EDWARD CORBETT JR 2015 E PHELPS ST SPRINGFIELD, MO 65802-2284
Defendant/Respondent: AMERICAN FAMILY MUTUAL INSURANCE COMPANY	Court Address: JUDICIAL COURTS FACILITY 1010 N BOONVILLE AVE SPRINGFIELD, MO 65802
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

The State of Missouri to: AMERICAN FAMILY MUTUAL INSURANCE COMPANY

Alias:

6000 AMERICAN PARKWAY  
MADISON, WI 53783



You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

11/27/17

Date

/s/Kerri Jerome

Clerk

Further Information:

**Officer's or Server's Affidavit of Service**

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years.

(for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

other (describe) \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Subscribed and Sworn To** me before this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

I am: (check one)

the clerk of the court of which affiant is an officer.

the judge of the court of which affiant is an officer.

authorized to administer oaths in the state in which the affiant served the above summons.  
(use for out-of-state officer)

authorized to administer oaths. (use for court-appointed server)

Signature and Title

**Service Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

See the following page for directions to clerk and to officer making return on service of summons.

### **Directions to Clerk**

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

### **Directions to Officer Making Return on Service of Summons**

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Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.

**IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI**

MATT UBER, )  
Plaintiff )  
 )  
V )  
 )  
AMERICAN FAMILY MUTUAL ) Case Number  
INSURANCE COMPANY )  
 )  
and )  
 )  
CINCINNATI INSURANCE COMPANY )  
 )  
Defendants. )

**PETITION**

**COUNT I**

**COMES NOW** Plaintiff Matt Uber ("Plaintiff"), by and through counsel, Corbett Law Firm, P.C., and for his cause of action against Defendant American Family Mutual Insurance Company ("Defendant American"), states and alleges as follows:

1. Jurisdiction and venue for this cause of action lies in the Circuit Court of Greene County, Missouri, for the reason that the amount in controversy exceeds Twenty-Five Thousand Dollars (\$25,000.00), and Defendant has an office or agent for the transaction of its usual and customary business in Greene County;

2. Plaintiff is the natural father of Cody Uber and is authorized to bring this cause of action pursuant to § 537.080.1(1) RSMo.

3. On or about November 26, 2014, Cody Uber was a passenger in a motor vehicle driven by Landon Potts, traveling south on Pleasant View Road, when Landon lost control of his vehicle on a sharp curve and crashed ("the wreck").

4. Landon Potts was negligent, at the time and place of the collision, in one or more of the following respects:

- (a) he drove too fast for the conditions;
- (b) he lost control of his vehicle;

5. As a result of said negligence, Cody Uber lost his life.

6. As the direct and proximate result of the death of Coby Uber, Plaintiff has sustained damages which include one or more of the following:

- (a) The death and loss of his son, Cody Uber;
- (b) Pecuniary losses suffered by reason of the death of Cody Uber, consisting of, but not necessarily limited to, one or more of the following:
  - (1) Loss of household contributions of Cody Uber;
  - (2) Funeral expenses incurred by Plaintiff;
- (c) The reasonable value of one or more of the following:
  - (1) The services of Cody Uber;
  - (2) The comfort of Cody Uber;
  - (3) The companionship of Cody Uber.

7. Landon Potts was insured under an automobile liability policy;

8. The limits of the liability policy have been paid;

9. Defendant American granted permission for Plaintiff to accept the liability policy payment;

10. At the time of the collision, injuries and death to Cody Uber were insured under an automobile insurance policy issued by Defendant American;

11. At the time of the collision, Landon Potts was an underinsured motorist in that he did not have sufficient insurance to cover Plaintiff's damages arising out of the death of Cody Uber;

12. All conditions precedent to Defendant American's obligation under said policy have occurred or have been performed, or the occurrence, or performance, or both, of the conditions precedent have been excused by Defendant American's breach of said policy.

13. Defendant American has breached the "underinsured motorist coverage" provisions of the above-referenced policy by failing to pay damages which Plaintiff is legally entitled to recover from it because of damages for bodily injury he sustained as a result of the collision that was caused by the negligence of Logan Potts;

14. As a result of Defendant's breach referred to herein, Plaintiff has sustained damages;  
WHEREFORE Plaintiff prays for judgment against Defendant American in such sum as is fair and reasonable, plus prejudgment interest, if appropriate, and post judgment interest at the legal rate from the date of judgment, for his costs of action incurred herein, and for such other and further relief as is just and proper.

## **COUNT II**

**COMES NOW** Plaintiff, by and through counsel, Corbett Law Firm, P.C., and for his cause of action against Defendant American in Count II states:

1. Plaintiff incorporates by this reference each and every allegation in Count I of this Petition as if fully set forth herein.

2. Plaintiff is entitled to vexatious penalties, damages and attorney fees pursuant to §375.420 RSMo. because Defendant American, without reasonable cause or excuse:

- (a) Failed and refused to pay the fair value of plaintiff's claim;
- (b) Failed and refused to pay an amount of damages which plaintiff is legally entitled to

recover from Defendant American;

- (c) Exhibited a pattern of conduct evidencing a systemic undervaluation of first-party claims by Defendant American's insureds;
- (d) Assigned a value to plaintiff's claim without considering all supporting documentation and information;
- (e) Exhibited a pattern of conduct evidencing a systemic undervaluation of claims;
- (f) Failed to properly assign a reserve to plaintiff's claim;
- (g) Failed to offer to plaintiff the reserve assigned to plaintiff's claim;
- (h) Not attempting in good faith to effectuate prompt, fair and equitable settlement of plaintiff's claims after liability had become reasonably clear;
- (i) Compelling plaintiff to institute this suit by offering substantially less than the value of plaintiff's claim;
- (j) Refusing to pay the value of plaintiff's claim without conducting a reasonable investigation; and/or
- (k) Failed to conduct a reasonable investigation into the extent of plaintiff's damages.**

**WHEREFORE** Plaintiff prays for judgment against Defendant American in such sum as is fair and reasonable, for statutory penalties, damages and reasonable attorney fees pursuant to Section 375.420 RSMo., interest at the legal rate from the date of Defendant American's breach of contract, plus interest at the legal rate from the date of judgment, for his costs of action incurred herein, and for such other further relief as is just and proper.

### **COUNT III**

**COMES NOW** Plaintiff Matt Uber ("Plaintiff"), by and through counsel, Corbett Law Firm, P.C., and for his cause of action against Defendant Cincinnati Insurance Company ("Defendant Cincinnati"), states and alleges as follows:

1. Jurisdiction and venue for this cause of action lies in the Circuit Court of Greene

County, Missouri, for the reason that the amount in controversy exceeds Twenty-Five Thousand Dollars (\$25,000.00), and Defendant Cincinnati has an office or agent for the transaction of its usual and customary business in Greene County;

2. Plaintiff is the natural father of Cody Uber and is authorized to bring this cause of action pursuant to § 537.080.1(1) RSMo.

3. On or about November 26, 2014, Cody Uber was a passenger in a motor vehicle driven by Landon Potts, traveling south on Pleasant View Road, when Landon lost control of his vehicle on a sharp curve and crashed ("the wreck").

4. Landon Potts was negligent, at the time and place of the collision, in one or more of the following respects:

(b) he drove too fast for the conditions;

(b) he lost control of his vehicle;

5. As a result of said negligence, Cody Uber lost his life.

6. As the direct and proximate result of the death of Coby Uber, Plaintiff has sustained damages which include one or more of the following:

(a) The death and loss of his son, Cody Uber;

(b) Pecuniary losses suffered by reason of the death of Cody Uber, consisting of, but not necessarily limited to, one or more of the following:

(1) Loss of household contributions of Cody Uber;

(2) Funeral expenses incurred by Plaintiff;

(c) The reasonable value of one or more of the following:

(1) The services of Cody Uber;

(2) The comfort of Cody Uber;

(3) The companionship of Cody Uber.

7. Landon Potts was insured under an automobile liability policy;
8. The limits of the liability policy have been paid;
9. Defendant Cincinnati granted permission for Plaintiff to accept the liability policy payment;

10. At the time of the collision, injuries and death to Cody Uber were insured under an automobile insurance policy issued by Defendant Cincinnati;

11. At the time of the collision, Landon Potts was an underinsured motorist in that he did not have sufficient insurance to cover Plaintiff's damages arising out of the death of Cody Uber;

12. All conditions precedent to Defendant Cincinnati's obligation under said policy have occurred or have been performed, or the occurrence, or performance, or both, of the conditions precedent have been excused by Defendant American's breach of said policy.

13. Defendant Cincinnati has breached the "underinsured motorist coverage" provisions of the above-referenced policy by failing to pay damages which Plaintiff is legally entitled to recover from it because of damages for bodily injury he sustained as a result of the collision that was caused by the negligence of Logan Potts;

14. As a result of Defendant Cincinnati's breach referred to herein, Plaintiff has sustained damages;

WHEREFORE Plaintiff prays for judgment against Defendant Cincinnati in such sum as is fair and reasonable, plus prejudgment interest, if appropriate, and post judgment interest at the legal rate from the date of judgment, for his costs of action incurred herein, and for such other and further relief as is just and proper.

## COUNT IV

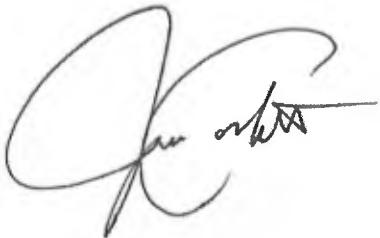
**COMES NOW** Plaintiff, by and through counsel, Corbett Law Firm, P.C., and for his cause of action against Defendant Cincinnati in Count IV states:

1. Plaintiff incorporates by this reference each and every allegation in Count III of this Petition as if fully set forth herein.
2. Plaintiff is entitled to vexatious penalties, damages and attorney fees pursuant to §375.420 RSMo. because Defendant Cincinnati, without reasonable cause or excuse:
  - (l) Failed and refused to pay the fair value of plaintiff's claim;
  - (m) Failed and refused to pay an amount of damages which plaintiff is legally entitled to recover from Defendant Cincinnati;
  - (n) Exhibited a pattern of conduct evidencing a systemic undervaluation of first-party claims by Defendant Cincinnati's insureds;
  - (o) Assigned a value to plaintiff's claim without considering all supporting documentation and information;
  - (p) Exhibited a pattern of conduct evidencing a systemic undervaluation of claims;
  - (q) Failed to properly assign a reserve to plaintiff's claim;
  - (r) Failed to offer to plaintiff the reserve assigned to plaintiff's claim;
  - (s) Not attempting in good faith to effectuate prompt, fair and equitable settlement of plaintiff's claims after liability had become reasonably clear;
  - (t) Compelling plaintiff to institute this suit by offering substantially less than the value of plaintiff's claim;
  - (u) Refusing to pay the value of plaintiff's claim without conducting a reasonable investigation; and/or
  - (v) Failed to conduct a reasonable investigation into the extent of plaintiff's damages.

**WHEREFORE** Plaintiff prays for judgment against Defendant Cincinnati in such sum as is fair and reasonable, for statutory penalties, damages and reasonable attorney fees pursuant to

Section 375.420 RSMo., interest at the legal rate from the date of Defendant Cincinnati's breach of contract, plus interest at the legal rate from the date of judgment, for his costs of action incurred herein, and for such other further relief as is just and proper.

**CORBETT LAW FIRM, P.C.**



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JAMES E. CORBETT #36279  
2015 East Phelps Street  
Springfield, MO 65802  
(417) 866-6665 (FAX) 866-6699  
jcorbett@corbettlawfirm.com  
Attorney for Plaintiff